

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

JON MAJOR,)	Case No.: 3:23-CV-05307-RAJ-MLP
)	
<i>Petitioner,</i>)	
)	
v.)	*SECOND*
)	MOTION (re: ORDER DECLINING TO
)	SERVE PETITION AND GRANTING
CHERYL STRANGE in her capacity)	LEAVE TO AMEND)
as <i>Secretary</i> of the WASHINGTON STATE)	
DEPARTMENT OF CORRECTIONS,)	
)	
<i>Respondent.</i>)	
_____)	

1. IDENTITY OF MOVING PARTY

Petitioner, above-named, files this motion seeking the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

The Court is requested to enter an order directing service of Petitioner's *Third Amended Petition* under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Dkt. ^{#18}~~#14~~) upon respondent, Cheryl Strange in her capacity as Secretary of the Washington State Department of Corrections.

3. STATEMENT OF FACTS & ARGUMENT

On April 13, 2023, Petitioner presented to this Court for filing his initial amended petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging a 2018 judgment and sentence of the King County Superior Court. (Dkt. # 3.) The initial amended petition identified the Washington State Department of Corrections ("Department") as the respondent in the case. (*Id.* at 1.) The challenged judgment and sentence places Petitioner under the supervision of the Department within Community Custody, or on *probation* until March 28, 2025. (Dkt. # 8 at p. 1.) Cheryl Strange is a Secretary, or *person in charge* of the Department. (Dkt. # 10 at p. 2.) On April 20, 2023, this Court entered an order granting Petitioner leave to amend the Petition filed on April 13, 2023, after having found that

"[i]t appears that proper Respondent's to the instant petition would include Petitioner's community corrections officer and Cheryl Strange, Secretary of the Washington State Department of Corrections. Because Petitioner fails to identify these individuals as Respondents, the Court declines to serve the petition or to direct that an answer be filed. Petitioner is, however, granted leave to amend his petition to correct the above noted deficiency." (Id.) Petitioner filed his third amended petition addressing the noted deficiency on ^{May 12, 2023} ~~May 4, 2023~~. (Dkt. ^{# 18} ~~# 14~~.) That petition designates Strange as the respondent in this matter in her capacity Secretary of the Department of Corrections. (*Id.* at 1.) The third amended petition does not designate any Community Corrections Officer that may be supervising Petitioner in accordance with the Community Custody provisions of the challenged judgment and sentence because the identity of such person is not known.¹

Based on the foregoing the third amended petition properly identifies the person in charge of the Department of Corrections as the respondent to the petition, and thus conforms to the directive of this Court's order entered on April 20, 2023. For this reason, the Court is respectfully asked to grant the relief sought by way of this motion and enter an order directing service and response of/to the third amended petition.

The undersigned certifies under penalty of perjury that the foregoing is true and correct.

SIGNED AND DATED this ^{12th} ~~4th~~ day of May 2023, somewhere within King County, Washington.


Petitioner

¹ Petitioner was previously, but is no longer subject to Community Custody supervision by Kim Nix. (*ref.* Dkt, #10 at 1, n. 1.)